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Attorneys for Defendant  
MASCON, INC.

**UNITED STATES DISTRICT COURT**

**FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

PULSE ENGINEERING, INC., a Delaware  
corporation,

Plaintiff,

v.

MASCON, INC., doing business as ATW  
SECURITY, a Massachusetts corporation,

Defendant.

Case No. 08cv0595 JM AJB

**JOINT CASE MANAGEMENT  
STATEMENT**

1 On August 4, 2008, counsel for Plaintiff Pulse Engineering, Inc. ("Pulse") and Defendant  
2 Mascon, Inc. ("Mascon") met and conferred pursuant to Rule 26(f) of the Federal Rules of Civil  
3 Procedure. In consequence of that meeting, and pursuant to Rule 26(f)(2), Patent L.R. 2.1(b) and the  
4 Court's July 2, 2008 Order, the Parties jointly submit the following Case Management Statement.

5 The Parties do not anticipate any changes will be needed to the timing, form, or requirement  
6 for disclosures under Rule 26(a). Initial disclosures under Rule 26(a) will be made on August 21,  
7 2008.

8 The Parties do not propose any modifications of the deadlines provided in the Patent Local  
9 Rules.

10 The Parties propose that the discovery period begin immediately following the Early Neutral  
11 Evaluation Conference / Initial Case Management Conference on August 25, 2008. The Parties  
12 further propose that discovery close 90 days after the Claim Construction Hearing in order to allow for  
13 the preparation and disclosure of initial expert reports per Rule 26(a)(2), the preparation and  
14 disclosure of rebuttal expert reports per Rule 26(a)(2)(C)(ii), and the deposition of experts pursuant to  
15 Rule 26(b)(4)(A) after receipt of the Court's claim constructions.

16 The Parties will require discovery on each of the claims made in Plaintiff's Complaint, and  
17 Defendant's Answer and Counterclaim, including:

- 18 1) Whether Defendant infringes one or more claims of U.S. Patent No. 6,404,347 ("the  
19 '347 patent"), and whether and to what degree Plaintiff has been damaged thereby;
- 20 2) Whether Defendant infringes one or more claims of U.S. Patent No. 6,472,992 ("the  
21 '992 patent"), and whether and to what degree Plaintiff has been damaged thereby;
- 22 3) Whether the '347 patent is invalid for failure to meet statutory standards of  
23 patentability; and
- 24 4) Whether the '992 patent is invalid for failure to meet statutory standards of  
25 patentability.

26 The Parties propose the following discovery limitations: (1) 50 interrogatories per party;  
27 (2) 50 requests for admission per party; (3) 10 depositions per party (not including expert depositions  
28

1 under Rule 26(b)(4)(A)); and (4) as many requests for documents and things as may be needed by  
2 either party.

3 The Parties have agreed that all documents and things will be produced electronically in a  
4 format to be agreed upon by the parties. The Parties further agree that metadata will not be exchanged  
5 in conjunction with the production of documents in this matter.

6 The Parties also have agreed to the terms of a proposed protective order. The Parties' proposed  
7 protective order was submitted jointly to the Court on August 18, 2008, under the caption "Joint  
8 Motion for Entry of Protective Order" (Docket No. 10).

9 The Parties believe that no live testimony will be necessary at the Claim Construction Hearing,  
10 but the Parties propose that an expert for each Party present a 60 - 90 minute objective technology  
11 tutorial to the Court prior to the Court hearing argument from the Parties. Under this approach,  
12 Plaintiff's expert would first present a tutorial, followed immediately by a tutorial presentation by  
13 Defendant's expert. The Parties do not anticipate needing discovery specifically relating to claim  
14 construction beyond the discovery conducted for the case as a whole. The Parties propose that, at the  
15 Claim Construction Hearing, Plaintiff present all of its claim construction positions immediately  
16 followed by Defendant presenting all of its claim construction positions.

17 DATED: August 18, 2008

TOWNSEND AND TOWNSEND AND CREW LLP

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19 David E. Sipiora

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24 s/ Martin J. O'Donnell

25 Martin J. O'Donnell

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**CERTIFICATE OF SERVICE**

This is to certify that a copy of **JOINT CASE MANAGEMENT STATEMENT** was served on the following parties by CM/ECF:

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Dated: August 18, 2008

s/ Kristopher L. Reed